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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,191	10/15/2003	Gregory B. Hale	58085-010201	7574

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EXAMINER	
HARTMAN JR, RONALD D	

ART UNIT	PAPER NUMBER
2121	

MAIL DATE	DELIVERY MODE
03/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/687,191	HALE ET AL.	
	Examiner	Art Unit	
	Ronald D. Hartman Jr.	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-23 and 28-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-23 and 28-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/23/2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. 3. Claims 19 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Waytena et al., U.S. Patent No. 5,978,770.

As per claims 19 and 28, Waytena et al. teaches a method of managing access to an attraction in an entertainment environment, comprising:

- establishing a first queue which one or more patrons may access the attraction in a first in first out order (e.g. ""physical queue"; C3 L56-57 and Figure 2 element "physical queue");

- establishing a second queue filled by patrons by which one or more patrons may access said attraction in a manner which avoids the first queue (e.g. "virtual queue"; C3 L50, C3 L57-60 and Figure 2 element 210 and/or "separate, entry dedicated for users of the system 100.", C21 L42-45);
- receiving from a patron a priority request for an allocation of a time of entry into the attraction via the second queue, the priority request being received at a computer that determines a number of patrons allowed to enter the attraction (e.g. C3 L11-12);
- transmitting to the patron a response that includes at least one return time to the second queue, the return time being dynamically determined by the computer from a plurality of factors such that other patrons may also be provided with the return time to the second queue (e.g. C3 L15-20);
- permitting the patron to access the attraction via the second queue at a time indicated by the return time (e.g. C21 L42-55)

Furthermore, as per claim 28, Waytena et al. also teaches the distribution of media since Waytena et al. teaches patrons, possessing the portable PCD's, have reservation times rendered on the display screen of the PCD itself (e.g. Figures 5A-5E).

4. Claims 20, 22, 29-30 and 38 rejected under 35 U.S.C. 102(b) as being anticipated by Waytena et al., U.S. Patent No. 5,978,770.

As per claim 20, Waytena et al. teaches the patron entering a priority request on a wireless device (e.g. "PCD"; Figure 1 element 102).

As per claim 22, Waytena et al. further teaches the patron being provided access to the attraction based on a keying operation performed on a wireless device (e.g. "button clicking"; C14 L36-51).

As per claim 29, Waytena et al. further teaches distributing the media to a device in the customer's possession (e.g. transmitting potential and confirmed reservation times to the PCD; Figures 5A - 5E).

As per claim 30, the rejection of claim 22 is equally applied herein.

As per claim 38, Waytena et al further teaches displaying a return time for validation on a screen of a wireless device (e.g. Figures 5A - 5E).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 21, 23, 33-34 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al., as applied to claims 19 and 28, above, in view of Croughwell et al., U.S. Patent No. 5,966,654.

As per claims 21, 23, 33-34 and 37, Waytena et al. does not specifically teach the PCD's being cellular telephones.

Croughwell et al. teaches a cellular telephone being utilized to schedule reservations for attractions located at a theme park (e.g. title, Figure 16 and claims 1-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of Croughwell et al. into the system disclosed by Waytena et al. for the purpose of allowing a simple, reliable wireless means by which the reservations may be made while the patron is remotely

located to the attraction utilizing the cellular telephone network described by Waytena et al.

6. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al., as applied to claim 29 above, in view of DeLorme et al., U.S. Patent No. 5,948,040.

As per claims 31-32, Waytena et al. does not specifically teach a validation identifier displayed on a screen or that displayed identifier being a bar code.

DeLorme et al. teaches a reservation system in which digitally displayed bar codes may be used in conjunction with portable electronic device for displaying built in tickets and/or reservations confirmations (e.g. C11 L50 - C12 L16) which can be used for traveling or visiting points of interest with respect to theme parks or a myriad of other attractions (e.g. C21 L35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of DeLorme et al. into the system disclosed by Waytena et al. for the purpose of allowing a portable way in which a verification or validation receipt could be viewed an utilized, that is, by providing a bar code in electronic format, the patron could present an electronic ticket that could be easily read by a validation computer by way of a bar code reader. In addition, this type of system would require no paper since the tickets would be generated and redeemed electronically.

7. Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al. in view of Croughwell et al., as applied to claim 33 above, in view of DeLorme et al., U.S Patent No. 5,948,040.

As per claims 35-36, Waytena et al.'s combined system does not specifically teach a validation identifier displayed on a screen or that displayed identifier being a bar code.

DeLorme et al. teaches a reservation system in which digitally displayed bar codes may be used in conjunction with portable electronic device for displaying built in

tickets and/or reservations confirmations (e.g. C11 L50 - C12 L16) which can be used for traveling or visiting points of interest with respect to theme parks or a myriad of other attractions (e.g. C21 L35-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teachings of DeLorme et al. into the system disclosed by Waytena et al. for the purpose of allowing a portable way in which a verification or validation receipt could be viewed an utilized, that is, by providing a bar code in electronic format, the patron could present an electronic ticket that could be easily read by a validation computer by way of a bar code reader. In addition, this type of system would require no paper since the tickets would be generated and redeemed electronically.

Response to Arguments

8. Applicant's arguments filed 1/23/2008 have been fully considered but they are not persuasive for the following reason(s):

The applicant has argued that Waytena does not teach the unique feature of allowing more than one patron to receive the same return time indication (See Remarks, page 5). That is, that Waytena does not teach the same return time being provided to plural customers (See Remarks, page 6).

The examiner respectfully disagrees.

The applicants attention is directed to Waytena, specifically Figure 2D, element 252, in which the reservation system keeps track of the # of patrons that are associated with each reservation. From this figure, and its respective textual description, one can clearly see that Waytena does in fact teach a feature wherein multiple patrons may receive the same return time since the multiple patrons are considered to correspond to Waytena's disclosure of allowing a group of patrons, which may vary in number, to reserve a particular time for an attraction.

The applicant also asserts that the claimed invention is not a reservation system. The examiner acknowledges this assertion. However, the name of the game is the claim, and if the claims are written in such a way that a reservation system, as the

applicant has called it, anticipates the claim, then the applicant's characterization of his/her own invention is rendered moot by virtue of the claim being written in an a manner that allows it to be anticipated by a reservation system. This is akin to an applicant claiming a control system for a boat, wherein the applicant claims the control system so broadly that the control system is anticipated by any motor vehicle. Limitations of the specification are not read into the claims. If the claim does not claim the control system being utilized for a boat, the mere fact that the specification discloses its use on a boat is irrelevant if art is applied that meets the claims. In the instant case, it is believed that a reservation meets the claims, regardless of whether the applicant's intention is to explicitly claim a reservation system or not.

Finally, the applicant argues that the claims provide for two queues, filled by patrons, which are separate, real and physical. First and foremost, the claim does not provide for a second queue that is real and physical and this argument is more limiting than what is currently presented. Secondly, the applicant's attention is once again directed to C21 L42-45, where Waytena teaches the use of a separate queue. Furthermore, it could be argued that the applicant has not actually explicitly required an actual physical patron to be present in the second queue as the applicant merely claims that the second queue is filled by patron(s). That being said, the virtual queue, which is a computer based methodology of tracking times of patron(s) to access an attraction is a queue that is technically filled by patrons as it is essentially a list filled by information that identifies the patron from other patrons.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D. Hartman Jr. whose telephone number is (571) 272-3684. The examiner can normally be reached on Mon.-Fri., 11:00 - 8:30 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ronald D Hartman Jr./
Primary Examiner, Art Unit 2121
March 7, 2008